



PATENT
0505-0840P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Masakatsu SHIMIZU et al. Conf.: 2385

Appl. No.: 09/891,367 Group: 3627

Filed: June 27, 2001 Examiner: RUDY, A.J.

For: METHOD OF AND APPARATUS FOR ESTIMATING PRODUCT COST

LARGE ENTITY TRANSMITTAL FORM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 9, 2004

Sir:

Transmitted herewith is a Reply to Restriction/Election Requirement in the above-identified application.

- The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- Petition for _____ month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$0.00 for the extension of time.
- No fee is required.
- A check in the amount of \$0.00 is enclosed.
- Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Scott J. Yune #41,458
James M. Slattery, #28,380

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JMS/SLL:lmh
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Attachment(s)

(Rev. 02/08/2004)



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For: METHOD OF AND APPARATUS FOR ESTIMATING
PRODUCT COSTREPLY TO RESTRICTION REQUIREMENT**RECEIVED**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APR 13 2004

April 9, 2004

GROUP 3600

Sir:

In reply to the Restriction Requirement dated March 11, 2004, the following remarks are respectfully submitted in connection with the above-identified application.

This reply includes: Remarks.

REMARKS

Claims 1-20 are pending in the present application.

The Examiner has required an election in the present application between:

Group I, claims 1-16, drawn to an apparatus for estimating manufacturing cost for a product, classified in class 370, subclass 254; and

Group II, claims 17-20, drawn to a method for estimating a manufacturing cost for a product, classified in class 705, subclass 29.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, claims 1-16.

Traversal

It is respectfully asserted that the process recited in independent claim 17 closely tracks the apparatus recited in claim 1, and that the criteria for restriction between process and apparatus is not met. Applicants disagree with the Examiner's assertion that the process may be practiced by hand, i.e. by human action. While a human can remember and calculate things, a human cannot "display" estimated costs without the use of a machine.

Further, a human cannot access data over an interconnect connection without the use of a machine (Applicant's claim 20).

The phrase "may be practiced by hand," as used in the restriction rules, means may be performed by a human using only the human's intellect (e.g. "comparing A to B"), and/or body parts alone to make a manipulation (e.g. "placing an item on a shelf").
The phrase "may be practiced by hand" cannot mean a person can perform the process using machines. Nearly every method is human-operated and/or human-controlled in some regard.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott L. Lowe (Reg. No. 41,458) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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